

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ORLANDO SMITH,

Plaintiff(s),

vs.

MICHAEL ASTRUE,  
Commissioner of Social Security,

Defendant(s).

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Case No. 4:11CV1380 JCH

**ORDER**

This matter is before the Court upon its review of the record. Plaintiff filed his Complaint in this matter on August 10, 2011, and his Brief in Support of Complaint on January 6, 2012.<sup>1</sup> (ECF Nos. 1, 15). Defendant filed his Answer on November 4, 2011, and his Brief in Support of Answer on February 16, 2012. (ECF Nos. 9, 18). Plaintiff then filed his Reply Brief on March 1, 2012. (ECF No. 21).

Also on March 1, 2012, Plaintiff filed a Motion to Correct the Record with Regard to Plaintiff's Date Last Insured ("DLI"). (ECF No. 19). Magistrate Judge Medler granted Plaintiff's motion on March 2, 2012, and ordered that the record reflect Plaintiff's DLI was June 30, 2008. (ECF No. 22). Defendant then filed a Motion for Remand on March 20, 2012, asking that the Court remand the case to allow the Administrative Law Judge to fully evaluate the evidence in reaching his determination. (ECF No. 26).

On March 28, 2012, Magistrate Judge Medler issued a Report and Recommendation. (ECF No. 29). Magistrate Judge Medler found the Commissioner's decision denying Plaintiff disability

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<sup>1</sup> Pursuant to 28 U.S.C. § 636, the Court referred this matter to United States Magistrate Judge Mary Ann L. Medler.

benefits for the period from December 6, 2003, to March 31, 2006, was not supported by substantial evidence on the record as a whole. She therefore recommended that Plaintiff be awarded benefits for that period. Magistrate Judge Medler further found she did not have jurisdiction to consider whether Plaintiff was disabled after March 31, 2006, as there was no opinion from an ALJ for the Court to review. She therefore recommended that upon reversing and remanding this matter, the Court direct the Commissioner to consider whether Plaintiff was disabled after March 31, 2006. Defendant indicated he has no objections to Magistrate Judge Medler's recommendations. (ECF No. 30).

After review of the entire record in this matter, the Court concurs in the Magistrate Judge's findings, and will adopt the Report and Recommendation. Accordingly, the Court will grant the relief sought by Plaintiff in his Complaint in part, and order that Plaintiff be found disabled for the period from December 6, 2003, to March 31, 2006. The Court further will reverse and remand this matter to the Commissioner, with instructions to award Plaintiff benefits for the period from December 6, 2003, to March 31, 2006, and further to determine whether Plaintiff was disabled after March 31, 2006.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the Magistrate Judge (ECF No. 29) is adopted and incorporated herein.

**IT IS FURTHER ORDERED** that the relief sought by Plaintiff in his Complaint (ECF No. 1) is **GRANTED** in part.

**IT IS FURTHER ORDERED** that this matter is reversed and remanded to the Commissioner with instructions to award Plaintiff benefits for the period from December 6, 2003, to March 31, 2006, and with instructions to determine whether Plaintiff was disabled after March 31, 2006. A separate Order of Remand shall accompany this Order.

Dated this 3rd day of May, 2012.

/s/Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE